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SECDEF WASHDC PRIORITY
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C O N F I D E N T I A L KATHMANDU 000185

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TAGS: [PGOV](#) [KDEM](#) [PREL](#) [NP](#)

SUBJECT: JOINT BRITISH-FRENCH-U.S. MEETING WITH PRIME
MINISTER DAHAL

REF: A. KATHMANDU 178

[1](#)B. KATHMANDU 174

Classified By: CHARGE D'AFFAIRES RANDY W. BERRY FOR REASONS 1.4 (B/D)

[1](#)1. (C) Summary: Nepali Prime Minister Pushpa Dahal pledged that unauthorized recruitment by the People's Liberation Army (PLA) would be halted immediately following a March 8 meeting of the Army Integration Special Committee (AISC) in a meeting with British and French Ambassadors, and American Charge d'Affaires. Dahal was categorical that the AISC would issue stop orders on his recommendation, and observed that since PLA commanders accepted the civilian oversight of the Special Committee, they would cease immediately. Pressed, of continued PLA recruitment he said "it will not happen." Ambassadors and Charge also raised the issue of freedom of peaceful assembly and freedom of speech for exiled Tibetans. Dahal, while flatly promising there will be no refoulements or excessive treatment of Tibetans, said some "preventative measures in restricted areas" (presumably the vicinity of the Chinese diplomatic facilities in Kathmandu) may be taken. All three diplomats noted that mishandling peaceful Tibetan gatherings, particularly those of a religious nature, would have negative repercussions. End Summary.

Meeting at Singha Durbar

[1](#)2. (U) Charge d'Affaires Randy Berry, along with British Ambassador Hall and French Ambassador Garault met with Prime Minister Pushpa Kamal Dahal on March 8 at his Singha Durbar office in Kathmandu. The Prime Minister's Foreign Affairs Advisor Hira Bahadur Thapa and Foreign Secretary Gyan Chandra Acharya were also in attendance.

Concerns Regarding Recruitment Passed

[1](#)3. (C) Speaking on behalf of the three, British Ambassador Hall raised the combined points of concern at the outset of the meeting, particularly that:

--The UN Mission in Nepal (UNMIN) has been obliged to note two serious breaches of the peace agreement, one relating to recruitment by the Nepal Army, and now, a second recruitment drive, this time by the PLA;

--Both recruitment actions are a clear breach of the spirit of the peace agreement;

--UNMIN has no mandate to take responsibility for new PLA recruits, nor will the three governments/Security Council

members be prepared to authorize it to do so;

--Formation of the Army Integration Special Committee was welcomed, and that an immediate meeting of the Committee was urged, as the body with legal supervisory authority over the PLA, to issue an immediate stop order;

--The Prime Minister has previously pledged to the UN Special Representative that discharge of disqualified non-combatants and minors would begin by the end of February 2009, but no action has yet been taken through early March;

--The international community stands ready to help the Special Committee, but the Committee should engage with UN agencies on discharge planning.

PM Dahal: PLA Will Cease Recruitment On AISC Orders

14. (C) The Prime Minister responded that he had already summoned a meeting of the AISC, which would take place later in the day on Sunday, March 8. The main objective of the meeting, he indicated, would be to take up the recruitment issue. He pledged that the AISC would reach a conclusion to order an immediate halt to PLA recruitment, and that PLA commanders would heed the order and stand down on Monday, March 9. He reviewed some of the history of the Nepal Army, its own prior recruitment moves, through its eventual sanction - with his own support, he said. Unfortunately, extremists within the Maoist and PLA cadres, he said, interpreted such approval as a green light to proceed on their own. Since he was no longer the head of the PLA, the PM somewhat cleverly noted, he did not have the authority to order them to stop. That was now the legal right and responsibility of the AISC, which the Prime Minister chairs. The PM concluded by saying that he was certain that the AISC would act the same day, and that the stop order will be both issued and respected. "I am sure of this," he said. Facing some skepticism, the PM noted that the PLA must respect the verdict of the AISC and the principle of civilian control, just as the Nepal Army must.

Tibetans and Freedom of Assembly/Speech

15. (C) Diplomats took the opportunity to additionally raise the issue of protection of Tibetan exiles, rights to free peaceful assembly and freedom of speech. With the March 10 anniversary of the Dalai Lama's flight nearing, there was great anxiety within the Tibetan community that excessive force and threats of deportation/refoulement awaited peacefully protesting individuals. Carefully noting that illegal activities and threatening protests against diplomatic facilities must be dealt with as any unlawful action would, diplomats also cautioned the Prime Minister against use of force against lawful, peaceful demonstrations and religious gatherings.

16. (C) The Prime Minister clearly pledged that, regardless of how any protests that occurred progressed, there would be no detentions resulting in a deportation or refoulement of Tibetans to China. He would, as a matter of law, be forced to act against those Tibetans protesting illegally or violently. He stopped well short of promising that religious gatherings and peaceful protests would not be interfered with. He indicated that he understood the Western perspective on the Tibetan issue, and was sensitive to it. However, he went on to indicate that the Government of Nepal (GON) may take some "preventative action in restricted areas" to head off expected violent protests. Asked by the U.S. Charge to clarify what "preventative action" would include, the PM's Foreign Affairs Advisor cheerfully volunteered that it could include action against any Tibetans participating in "anti-Chinese activities," using phrasing identical to Chinese Embassy press releases urging the GON to take harsher action against Tibetan exiles. All three diplomats noted that action taken against peaceful protestors exercising freedom of expression would lead to harsh condemnation in their respective countries - both officially and also in the media. The Prime Minister reiterated that he understood the

message of concern, and promised to proceed carefully.

Comment

17. (C) The Prime Minister stridently promised that the PLA recruitment issue would be solved immediately, but needed to be done through the proper, legal entities - meaning the AISC. Later on March 8, the Special Committee did in fact meet and ordered the PLA to stop recruitment. Also on March 8, a single judge of the Supreme Court issued an interim stay order against PLA recruitment. The media quoted PLA Commander Nanda Kishor Pun (aka Pasang) on March 9 saying that he had not yet seen an official decision by the AISC. The response on the Tibetan concerns was more troubling. While the PM,s flat promise that deportation/refoulement of Tibetans to China would not occur under any circumstance, his vague reference to "preventive measures," particularly after attempts by his advisors to clarify the meaning, left all three diplomats with the feeling uneasy with the PM,s response. What is more certain is that the PM cannot have failed to miss USG, British, and French concerns regarding treatment of Tibetan refugees. He repeated, several times as the meeting concluded, that he "understood the concerns." On both the recruitment and Tibetan issues, events are likely to play out in the next few days. The PM,s categorical statements on both should reassure, but nonetheless, diplomatic observers in Kathmandu will continue to watch the actual facts on the ground very closely.

BERRY